

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**BARRY EUGENE MILLER,**

**PLAINTIFF**

**V.**

**NO. 1:06CV214-P-D**

**JIMMY TAYLOR, et al.,**

**DEFENDANTS**

**OPINION DISMISSING COMPLAINT WITHOUT PREJUDICE AND SUSPENDING  
STATUTE OF LIMITATIONS**

This matter is before the court, *sua sponte*, for consideration of dismissal. Plaintiff, an inmate currently incarcerated in a prison in the state of Tennessee, files this complaint pursuant to 42 U.S.C. § 1983. The incident he complains of allegedly occurred in the Alcorn County jail in Mississippi. The Defendants are in Alcorn County.

Since Plaintiff is incarcerated outside the state of Mississippi, it is impossible for the case to proceed in an orderly and timely manner. Therefore, it shall be dismissed without prejudice until Plaintiff is free to return to prosecute his complaint within the jurisdiction of this court. The statute of limitations shall be suspended until such time as Plaintiff is released from confinement outside Mississippi.

A final judgment in accordance with this opinion will be entered.

THIS the 17<sup>th</sup> day of August, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE